

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2821 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ABDULRAHEMAN ALI

Versus

KISHOR D SHIYAL

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Appearance:

MR AR SHAIKH for Petitioners

NOTICE SERVED for Respondent No. 1

MR UDAY R BHATT for Respondent No. 3

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 19/03/99

ORAL JUDGEMENT

1. Admit. Shri U.R.Bhatt, Ld.advocate for respondent No.3 waives service of notice of admission. By consent, the appeal is taken up for final hearing today.
2. The M.A.C.Tribunal(Main), Jamnagar has made an award of Rs.34,400/- for the death of a woman who was

aged 70 years (Claim Petition No.21/88). The tribunal also awarded interest at the rate of 9% p.a. from 11.7.88 till the date of realisation if the respondents deposit the amount in the tribunal on or before 30.6.95 failing which the interest was to be paid at the rate of 12% p.a.

3. The learned advocate for appellants confined his submission to the rate of interest. It is submitted that the interest at the rate of 12% p.a. ought to have been awarded. In the facts and circumstances, I think that the appellants were entitled to interest at the rate of 12% p.a. on the awarded amount. Hence, the appeal is partly allowed and the respondents are directed to pay interest at the rate of 12% p.a. on the awarded amount from 11.7.88 till the date of realisation. The award of the tribunal shall stand modified accordingly. No order as to costs.

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